

1 LEONARD TACHNER, A PROFESSIONAL LAW CORPORATION
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2 17961 Sky Park Circle, Suite 38-E
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4 Attorney for Plaintiff

5
6 **UNITED STATES DISTRICT COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA**
8

COPY
2011 AUG 30 PM 12:56
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA
FILED

9
10 JAMES R. GLIDEWELL DENTAL
CERAMICS, INC. DBA
11 GLIDEWELL LABORATORIES, a
California corporation,

12 Plaintiff

13 vs.

14 KEATING DENTAL ARTS, INC., a
15 California corporation,

16 Defendant.
17
18
19
20

Case No. **SACV11-01309-DOC(ANx)**

COMPLAINT FOR
(1) INFRINGEMENT OF
FEDERALLY REGISTERED
TRADEMARK,
(2) FALSE DESIGNATION OF
ORIGIN UNDER LANHAM ACT
SECTION 43(a), AND
(3) UNFAIR COMPETITION
UNDER CALIFORNIA BUSINESS
AND PROFESSIONS CODE,
WITH EXHIBITS A-C

DEMAND FOR JURY TRIAL

21
22 For its Complaint, Plaintiff alleges as follows:
23

24 **PARTIES**

25 1. Plaintiff James R. Glidewell, Inc. dba Glidewell Laboratories
26 (Plaintiff Glidewell) is a California corporation having its principal place of
27 business at 4141 MacArthur Boulevard, Newport Beach, California 92660.
28 Plaintiff Glidewell provides dental restorative products primarily to dentists.

1 Such products include bridges, caps, crowns, inlays, onlays and prostheses.
2 Plaintiff Glidewell has been providing such dental products for about forty
3 (40) years and has become one of the most successful and well-known
4 restorative dental product providers in the United States. Plaintiff Glidewell is
5 seeking monetary damages and injunctive relief with respect to the claims
6 presented in this Complaint.

7 2. Defendant Keating Dental Arts, Inc. (Defendant Keating) is a
8 California corporation having its principal place of business at 16881 Hale
9 Avenue, Irvine, California 92606. Defendant Keating also provides dental
10 restorative products primarily to dentists and is a direct competitor of Plaintiff
11 Glidewell by offering essentially the same products to essentially the same
12 purchasers in the same market place. In addition, both Plaintiff Glidewell and
13 Defendant Keating advertise in dental industry publications and present their
14 respective products at dental industry trade shows.

15 16 **JURISDICTION AND VENUE**

17 3. This Court has subject matter jurisdiction over this Action
18 pursuant to 28 U.S.C. §1331 and 1338(a) as it arises under Acts of Congress
19 related to trademarks. Additionally, the Court has subject matter jurisdiction
20 over the federal trademark infringement claim pursuant to 15 U.S.C. §1121.

21 4. This Court has personal jurisdiction over Defendant Keating as it
22 is a resident of this judicial district and does business in this district including
23 the acts of trademark infringement alleged herein.

24 5. Venue is proper in this District under 28 U.S.C. §1391(b) in that
25 Defendant Keating has its principal offices and has committed acts of
26 infringement in this District.

FACTUAL ALLEGATIONS

6. Plaintiff Glidewell has been selling dental bridges, dental caps, dental crowns, dental inlays, dental onlays and dental prostheses under the trademark BRUXZIR[®] in interstate commerce since at least June 2009. Plaintiff Glidewell obtained U.S. Federal Trademark Registration of its mark BRUXZIR[®] under Registration No. 3,739,663 on the Principal Register on January 19, 2010 based on its application filed on June 12, 2009. A true and correct copy of its Registration No. 3,739,663 is attached to this Complaint as Exhibit A.

7. Since June 2009 Plaintiff Glidewell's use of its trademark BRUXZIR[®] has been continuous and without any periods of non-use. Plaintiff Glidewell has since June, 2009 amassed sales of BRUXZIR[®] dental restorative products in amounts of tens of millions of dollars throughout the United States and in numerous foreign countries.

8. In November 2009 Plaintiff Glidewell began selling dental ceramics in block form under the BRUXZIR[®] trademark. Such products are sold in pre-sintered condition, that is, they are sufficiently soft to be machinable by the customer and then hardened by final sintering after being milled or otherwise shaped into a dental restoration that is especially adapted to a particular patient's dental requirements. Since November 2009 Plaintiff Glidewell has been continuously selling such dental ceramics under the BRUXZIR[®] trademark in addition to the dental restorative products sold under the BRUXZIR[®] trademark since June 2009. Additional millions of dollars in sales of dental ceramics have contributed further to the extremely positive reputation of Plaintiff Glidewell's BRUXZIR[®] products in the dental industry.

1 9. Defendant Keating has begun offering for sale dental restorative
2 products under the trademark KDZ BRUXER. An advertisement that has
3 already been published in ADA News (American Dental Association News)
4 announcing Defendant Keating's introduction of dental prosthetic products
5 under the KDZ BRUXER trademark is attached hereto as Exhibit B. Upon
6 information and belief, Defendant Keating has made sales of such dental
7 prosthetic products being advertised under their trademark. The extent of such
8 sales by Defendant Keating is not currently known to Plaintiff Glidewell and
9 will be ascertained during this Action.

10 10. Upon information and belief, Defendant Keating has intentionally
11 begun using the trademark "KDZ BRUXER" on virtually the same products
12 being offered and sold to virtually the same market for the express purpose of
13 creating a likelihood of public confusion and/or an initial interest confusion
14 between Plaintiff Glidewell's BRUXZIR[®] dental products and Defendant
15 Keating's KDZ BRUXER dental products. Moreover, upon information and
16 belief, Defendant Keating's actions in regard to its trademark KDZ BRUXER
17 are intended to dilute and diminish the value of Plaintiff's Glidewell's
18 successful trademark BRUXZIR[®], to the unfair benefit of Defendant Keating's
19 directly competing products.

20 11. In May 2011 Plaintiff Glidewell learned that Defendant Keating
21 had filed an "intent-to-use" application with the U.S. Trademark Office to
22 register the trademark KDZ BRUXER and design alleging that it intended to
23 use that trademark on dental prosthetic products. Responsive thereto, Plaintiff
24 Glidewell had its attorney send a letter dated May 31, 2011 to Defendant
25 Keating's attorney of record. A copy of that letter is attached to this
26 Complaint as Exhibit C. The letter expressly warns Defendant Keating
27 through its attorney, that any actual use of that trademark on dental prostheses
28

1 would be regarded as creating a likelihood of public confusion for which
2 Plaintiff Glidewell would file this Action.

3 **FIRST CAUSE OF ACTION – INFRINGEMENT OF A**
4 **FEDERALLY REGISTERED TRADEMARK**

5 12. By this reference, Plaintiff Glidewell repeats and incorporates the
6 allegations set forth in paragraphs 1 through 11 above.

7 13. Defendant Keating has used in commerce the term KDZ
8 BRUXER as a trademark in connection with advertising of, sale of, or offer to
9 sell competing dental prostheses. Such use in relation to Plaintiff Glidewell's
10 use of the BRUXZIR[®] trademark will likely cause confusion or mistake, or
11 will likely deceive the relative purchasing public as to Defendant Keating's
12 products being associating or identified with or being the same as those of
13 Plaintiff Glidewell. Defendant Keating's advertising of its KDZ BRUXER
14 trademark is intentionally designed to cause an initial confusion to attract the
15 attention of dentist buyers who are previously aware of Plaintiff Glidewell's
16 well-known trademark.

17 14. Plaintiff Glidewell did not consent to or authorize Defendant
18 Keating's adoption or commercial use of the KDZ BRUXER trademark for
19 dental prostheses or any other goods or services.

20 15. Defendant Keating therefore infringed Plaintiff Glidewell's
21 BRUXZIR[®] trademark in violation of Plaintiff Glidewell's federal trademark
22 rights under the Lanham Act, 15 U.S.C. §1051 et seq., particularly 15 U.S.C.
23 §1114(1).

24 16. Plaintiff Glidewell's BRUXZIR[®] trademark is strong in light of
25 its substantial marketing and promotion of that trademark for its dental
26 restorative and prosthetic products, its substantial sales volume of products
27
28

1 sold by Plaintiff Glidewell under that trademark, its acclaim and public
2 recognition.

3 17. Upon information and belief, Defendant Keating knew at all
4 times relevant to this Action, of Plaintiff Glidewell's prior adoption and prior
5 widespread commercial use of the BRUXZIR[®] trademark in connection with
6 Plaintiff Glidewell's dental products including those specified in the federal
7 registration of Plaintiff Glidewell stated above. Defendant Keating's
8 infringement of the BRUXZIR[®] trademark is therefore willful, knowing and
9 deliberate.

10 18. Plaintiff Glidewell has no control over the composition or quality
11 of the goods sold under the confusingly similar trademark by Defendant
12 Keating. As a result, to the extent Defendant's products are inferior to
13 Plaintiff Glidewell's products, Plaintiff Glidewell's valuable goodwill,
14 developed at great expense and effort by Plaintiff Glidewell, is being harmed
15 by Defendant Keating's unauthorized use of the confusingly similar
16 trademark, and is at risk of further damage.

17 19. The goodwill of Plaintiff Glidewell's dental products business
18 under the BRUXZIR[®] trademark is of enormous value and Plaintiff Glidewell
19 will suffer irreparable harm, diminution of reputation and pecuniary damages
20 should Defendant Keating's infringement be allowed to continue.

21 20. Defendant Keating's infringement will continue unless enjoined.
22

23 **SECOND CAUSE OF ACTION - FALSE DESIGNATION OF**
24 **ORIGIN UNDER SECTION 43(a) OF THE LANHAM ACT**

25 21. Plaintiff Glidewell realleges and incorporates by reference
26 paragraphs 1 through 20, as if set forth fully herein.
27
28

1 22. Defendant Keating has used and is using the infringing trademark
2 KDZ BRUXER in commerce in connection with the advertising, sale, and
3 provision of dental prostheses in such a manner as to create a likelihood of
4 confusion among prospective purchasers and to unfairly compete with
5 Plaintiff Glidewell. Defendant Keating's use of the infringing trademark
6 induces purchasers and others to believe, contrary to the fact, that the products
7 sold by Defendant Keating are rendered, sponsored or otherwise approved by,
8 or connected with Plaintiff Glidewell. Defendant Keating's acts have
9 damaged, impaired and diluted that part of Plaintiff Glidewell's goodwill
10 symbolized by its trademark BRUXZIR® to Plaintiff Glidewell's immediate
11 and irreparable damage.

12 23. Defendant Keating's unauthorized use of the infringing trademark
13 in connection with the advertising, sale and provision of Defendant Keating's
14 dental products constitutes use of a false designation of origin and a false
15 description within the meaning of Section 43(a) of the Trademark Act of 1946,
16 15 U.S.C. §1125(a).

17 24. Defendant Keating's acts of false designation of origin and false
18 description have caused Plaintiff Glidewell irreparable injury, damage to its
19 reputation and pecuniary damages. Unless enjoined by this Court, Defendant
20 Keating will continue the acts of false designation of origin and false
21 description complained of herein to Plaintiff Glidewell's immediate and
22 irreparable damage.

23
24 **THIRD CAUSE OF ACTION – UNFAIR COMPETITION UNDER**
25 **CALIFORNIA BUSINESS & PROFESSIONS CODE §17200 et seq.**

26 25. Plaintiff Glidewell realleges and incorporates by reference
27 paragraphs 1 through 24, as if set forth fully herein.
28

1 (3) representing directly or indirectly in any form or manner
2 whatsoever that any product it offers for sale is associated with or approved by
3 Plaintiff Glidewell when, in fact, it is not; and/or

4 (4) passing off or inducing or enabling others to sell or pass off
5 any Keating product as a Glidewell product or as a product endorsed or
6 approved by Plaintiff Glidewell.

7 B. For an order directing Defendant Keating to file with this Court
8 and to serve on Plaintiff Glidewell within thirty (30) days after service on
9 Defendant Keating of each injunction granted herein, or such extended period
10 as the Court may direct, a report in writing, under oath, setting forth in detail
11 the manner and form in which Defendant Keating has complied with the
12 injunction and order of the Court;

13 C. For a judgment that Defendant Keating shall pay to Plaintiff
14 Glidewell damages in an amount equal to all of the profits derived from the
15 infringement of Plaintiff Glidewell's trademark together with an amount that
16 Plaintiff Glidewell has been damaged as a result of such infringement;

17 D. For a judgment that Defendant Keating willfully and deliberately
18 infringed Plaintiff Glidewell's rights and that this is an exceptional case
19 entitling Plaintiff Glidewell to enhanced damages under the Trademark Laws
20 of the United States;

21 E. For an award of costs, including attorney's fees, incurred in
22 bringing this action;

23 F. For a judgment awarding to Plaintiff Glidewell prejudgment and
24 postjudgment interest until the award is fully paid;

25 G. For such other and further relief as this Court may deem just and
26 equitable under the circumstances.

27
28

1 Dated: 8/30/11

Respectfully submitted,

2
3 By:



Leonard Tachner

Attorney for Plaintiff

James R. Glidewell Dental Ceramics, Inc.

Db a Glidewell Laboratories

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues raised by the
Complaint that are triable by jury.

Dated: 8/30/11

Respectfully submitted:

By:



Leonard Tachner

Attorney for Plaintiff

James R. Glidewell Dental Ceramics, Inc.

Db a Glidewell Laboratories

United States of America

United States Patent and Trademark Office

BRUXZIR

Reg. No. 3,739,663 JAMES R. GLIDEWELL, DENTAL CERAMIC, INC. (CALIFORNIA CORPORATION), DBA
Registered Jan. 19, 2010 GLIDEWELL LABORATORIES

PROFESSIONAL SERVICES
4141 MACARTHUR BLVD.

Int. Cl.: 10 NEWPORT BEACH, CA 92660

**TRADEMARK
PRINCIPAL REGISTER**

FOR: DENTAL BRIDGES; DENTAL CAPS; DENTAL CROWNS; DENTAL INLAYS; DENTAL
ONLAYS; DENTAL PROSTHESES, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 6-6-2009; IN COMMERCE 6-6-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-761,757, FILED 6-17-2009.

KEVIN CORWIN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT A (page 1 of 1)

Zirconia evolved.

UNCOMPROMISING ESTHETICS. OUTSTANDING STRENGTH. FLAWLESS FIT.



INTRODUCING THE ALL-NEW KDZ BRUXER.
THE **BEST** FULL-CONTOUR ZIRCONIA SOLUTION AVAILABLE.
EXCLUSIVELY FROM KEATING DENTAL ARTS.

The all-new KDZ Bruxer is so precise and predictable you can prep and rest assured that the job is done the first time, every time. Precision-milled and finished by hand, it fits and functions flawlessly.

"BEST LOOKING

solid zirconia crown out there. The KDZ Bruxer is not just better than gold, these are better looking than some crowns I've received from other labs."

Dr. Roy Davis, Nantucket, MA

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THE KDZ BRUXER:

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- Is perfect for posterior bridges
- Is the esthetic choice



FREE ADJUSTMENT & POLISHING KIT
A \$60 value with your first KDZ Bruxer case



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LEONARD TACHNER
A PROFESSIONAL LAW CORPORATION
REGISTERED PATENT ATTORNEY
17961 SKY PARK CIRCLE
SUITE 38-E
IRVINE, CALIFORNIA 92614-6364

May 31, 2011

PATENTS
TRADEMARKS
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TEL: (949) 752-8525
FAX: (949) 955-2415

Thomas L. Gourde, Esq.
Ray & Gourde, LLP
111 Pacifica
Suite 120
Irvine, CA 92618

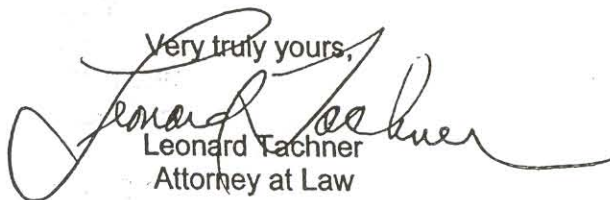
Re: Keating Dental Arts, Inc.
Our Docket No. GLIDEWELL-190.

Dear Mr. Gourde:

I represent James R. Glidewell Dental Ceramic, Inc. dba Glidewell Laboratories of Newport Beach, California in regard to trademark matters. My client owns Federal Registration No. 3,739,663 for the mark BRUXZIR® (see enclosed) for dental bridges, dental caps, dental crowns, dental inlays, dental onlays and dental prostheses. My client has learned that Keating Dental Arts has filed an intent to use application for the mark KDZ BRUXER and design for use on dental prostheses and that you are the attorney of record in that application (see enclosed).

Glidewell management believes that KDZ BRUXER, when used in conjunction with dental prostheses or any type of dental restoration product, is likely to cause public confusion with Glidewell's registered mark. They have therefore authorized me to inform you of their intention to oppose the registration of the Keating mark if and when it is published and to assert their rights in the federal district court in the event that Keating is found to have actually used the KDZ BRUXER mark on dental prostheses.

Very truly yours,


Leonard Tachner
Attorney at Law

LT/jf
Encl:
cc: Glidewell Laboratories

EXHIBIT C

(page 1 of 1)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge David O. Carter and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

SACV11-1309 DOC (ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

COPY

Name & Address:

LEONARD TACHNER
 LEONARD TACHNER, a professional law corp.
 17961 Sky Park Circle, Suite 38-E
 Irvine, CA 92614-6364
 (949) 752-8525

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

JAMES R. GLIDEWELL DENTAL CERAMICS, INC.
 DBA GLIDEWELL LABORATORIES, a
 California corporation

PLAINTIFF(S)

KEATING DENTAL ARTS, INC., a
 California corporation

DEFENDANT(S).

CASE NUMBER

SACV11-01309-DOC(ANx)

SUMMONS

TO: DEFENDANT(S): KEATING DENTAL ARTS, INC.

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Leonard Tachner, whose address is 17961 Sky Park Circle, Suite 38-E, Irvine, CA 92614-6364. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Dated: August 30, 2011

Clerk, U.S. District Court

By: Deputy Clerk

Deputy Clerk

(Seal of the Court)

1144

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

COPY

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) JAMES R. GLIDEWELL DENTAL CERAMICS, INC. DBA GLIDEWELL LABORATORIES, a California corporation	DEFENDANTS KEATING DENTAL ARTS, INC., a California corporation
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Leonard Tachner, a professional law corp. 17961 Sky Park Circle, Suite 38-E Irvine, CA 92614 (949) 752-8525	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input checked="" type="checkbox"/> 4</td> <td><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input checked="" type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify): _____
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☐ No

MONEY DEMANDED IN COMPLAINT: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 15 U.S.C. Section 1121 Infringement of a federally registered trademark

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

SACV11-01309-DOC(ANx)

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or

☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or

☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or

☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
ORANGE	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Edward Jochim Date 8/30/11

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))